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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,695	04/21/2000	MARVIN T LING	GTX-001	6472
7590	05/19/2005		EXAMINER	
Nicola A Pisano Luce Forward Hamilton & Scripps LLP 11988 El Camino Real Suite 200 San Diego, CA 92130			POINVIL, FRANTZY	
		ART UNIT	PAPER NUMBER	
		3628		
DATE MAILED: 05/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/553,695	LING, MARVIN T	
	Examiner	Art Unit	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 February 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Applicant's arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorrough et al (US Patent No. 5,287,269) considered with Wiliams et al. (US Patent No. 5,815,657) or Hill (US Patent No. 6,236,981).

As per claim 1, Dorrough et al. disclose most of the claimed features. Dorrough et al. teach opening a user account with a vendor for a user (column 7, lines 7-34) wherein the user account is loaded with available funds to facilitate a financial transaction (column 7, lines 35-67) wherein no physical manifestation, other than a database entry, of the user account occurs. The claimed electronic tokens are similar to the credit units of Dorrough et al. Dorrough et al do not explicitly state the electronic token have a value of at least a fraction of a dollar. As per this limitation, the Examiner asserts that most tokens or amount of a money value are of a value of at least a fraction

of a dollar. Furthermore, Dorrough et al disclose providing credit units or tokens for playing video games. These credit units are similar to electronic tokens since they are purchased through an electronic device, and they are in a portable medium representing value or monetary value when in contact with an electronic device. Available tokens for most video games are of a value of at least a fraction of a dollar.

Dorrough et al further teach providing products and services that may be purchased (column 6, lines 21-37), through the vendor (such as a recreational area) permitting the user to select a subset of the products and services for purchase (column 8, lines 26-41).

Dorrough et al further teach authorizing a purchase transaction at a participating vendor without requiring any third party authentication and a physical manifestation of the user account. See column 10, lines 25-40, column 11, lines 55-67 and column 12, line 53 to column 13, line 7 of Dorrough et al.

Dorrough et al further teach computing a total price for the selected subset of the products and services and if the user account contains funds having a value equal to or greater than the total price, permitting the user to purchase the selected subset of the products and services without requiring the user to disclose personal information to the vendor and subtracting the total price from the user account, wherein the purchase transaction is not subject to a minimum processing fee. Applicant is directed to column 10, lines 25-40, column 11, lines 55-67 and column 12, line 53 to column 13, line 7 of Dorrough et al. One may argue that the credit units of Dorrough et al are not electronic

tokens since a web site is not accessed for the purchasing and using of the electronic tokens.

Williams et al teach a client purchasing electronic tokens to be used for the payment of an electronic transaction. See column 1, lines 16-26 and column 17, line 49 to column 19; line 3 of Williams et al. Hill also discloses a similar teaching. See column 5, line 20 to column 6, line 21 of Hill. Thus, both Williams et al or Hill disclose loading of a user account with electronic tokens or electronic money, applicant is further directed to column 1, lines 16-26 and column 17, lines 49-57 of Williams et al. See the abstract of Hill.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the electronic tokens or electronic money or Carnet of Williams et al or Hill with the system of Dorrough et al in order to allow clients to perform convenient cashless transactions as alternatives in website.

As per claim 2, Dorrough et al, Williams et al or Hill each teaches a user may purchase electronic tokens. See column 17, lines 49-57 of Williams, column 5 of Hill. Dorrough et al teach purchasing tokens or credit units directly from a vendor of recreational unit or park or video game. See columns 6 and 7 of Dorrough et al.

As per claim 3, Dorrough et al disclose permitting the user to conduct a transaction using a credit card to purchase credit units. See column 7, lines 35-67 of Dorrough et al. Both Hill and Williams et al. allow a user to purchase electronic tokens

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using a credit card. See column 11, lines 58-60. Purchasing of tokens is discussed above as being taught by Hill at column 5, lines 31-37.

As per claims 4-7, purchasing of tokens is discussed above as being taught by Williams et al. and Dorrough et al. Purchasing off line is well known in the art. Providing such in the combination of Dorrough et al and Williams et al or Hill would have been obvious to one of ordinary skill in the art in order to allow a client to make a purchase at a convenient time.

As per claim 8, the limitations of claim 8 are similar to the teachings of Dorrough et al wherein a user may conduct a transaction offline without using a credit card.

As per claim 9, Williams et al disclose issuing the one or more electronic tokens comprising setting a price for the one or more electronic tokens, the price determined by a vendor. Note column 15, lines 60-65. Hill provides a similar teaching. Dorrough et al teach the price is set by the vendor and the unit is termed as a credit unit or token. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dorrough et al with Williams et al or Hill in order to increase the flexibility the system so that a user is aware of the price he/she is paying for the electronic tokens or for a particular transaction so as to facilitate performing cashless transactions.

As per claims 10-12, Dorrough et al discuss registering the user with the vendor and storing their information in a database. Note column 7, lines 35-67 of Dorrough et al. William et al disclose wherein registering the user with the vendor comprises acquiring personal information about the user through off-line communications (column 11, lines 31-38).

As per claim 13, the combination of Dorrough et al. Hill or Williams et al. teach opening a user account with the vendor further comprises issuing a predetermined minimum number of electronic tokens to the user. The combination of Dorrough et al. Hill or Williams et al would have allowed the user to know the value of each account and the amount needed to be paid for each token.

As per claims 14-15, Dorrough et al disclose reloading additional funds into the client's account. See column 11, lines 56-67. Whenever a client's funds or tokens or credit units is depleted, the client would have desired additional units or tokens to conduct a transaction.

As per claim 16, Williams et al disclose issuing additional tokens to the user comprises permitting the user to purchase additional electronic tokens through an on-line transaction using a credit card, without disrupting a process of selecting products and services (column 17, lines 49-57). Dorrough et al discloses allowing a user to purchase additional credits. Note column 11, lines 56-67 of Dorrough et al.

As per claim 17, Williams et al further teach displaying a number of available electronic tokens in the user account on a computer screen (see column 18, lines 2-12). Dorrough et al also disclose a similar teaching. Note columns 7 and 8 of Dorrough et al.

As per claims 18-23, the combination of Dorrough et al. with Hill or Williams et al. does not explicitly disclose providing products and services that may be purchased through the vendor comprise providing software to be purchased or rented for a number of uses, for a specific number of times or for a limited time in exchange for electronic tokens. The examiner notes that in the combination of Dorrough et al. with Hill or Williams et al., a user is opted to purchase any types of products or services. Providing services related to the uses of a software would have been obvious to one of ordinary skill in the art in the combination of Dorrough et al. with Hill or Williams et al.. as such would have considered as a type of products/services. The renting or selling of a software product include the purchasing, renting of the software for a number of users, uses, a specific number of times and for a limited time period. Thus if a software is intended to be used as a product/software, these attributes or uses associated with the selling/renting of software products would have been obvious to include in the combined system of Dorrough et al. with Hill or Williams et al. so as to continue to provide users with the same service associated with the renting/selling of software products thus making the combined system more flexible and attractive.

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As per claim 24, the Examiner notes that it would have been obvious to one of ordinary skill in the art to note in the combination of Dorrough et al. with Hill or Williams et al. that "if a selected software program is already installed on a user's computer, downloading and installing the selected software program if the selected software program is not already installed on the user's computer, and sending an authorization code, without downloading the selected software program, if the selected software program is already installed on the user's computer" so as to avoid downloading to a client's computer duplicate copies of an already existing program. If the selected program were already installed on the user's computer, downloading an authorization code to the user would have been obvious to do in the combination of Dorrough et al. with Hill or Williams et al. in order to provide usage rights and access to users.

As per claim 25, the combination of Dorrough et al. with Hill or Williams et al. does not explicitly disclose transferring funds from one user's account to another user or second user. Hill and Williams et al contain a payment system wherein a payment can be directed to any user from any given user. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dorrough et al with either Hill or Williams in order to facilitate payments from one user to another user or to transfer unwanted credits or tokens from one user to another user thereby preventing wasting of unused credits or tokens.

As per claim 26, Williams et al disclose providing products or services that may be purchased through the vendor comprises listing products and services for sale by one or more users of a Web site maintained by the vendor (see column 1, lines 39-52, column 12, lines 49-51 and column 13, lines 19-20 of Williams et al). Dorrough et al. disclose listing of items to be sold in credit units. See column 13, lines 62-66 of Dorrough et al.

As per claim 27, claim 27 contains features recited in claim 1 and these features are rejected under a similar rationale. Claim 27 further recites a network interface through which the server communicates with a user over the Internet, a database, a memory and a processor. These computer subsystems are present in both Hill and Williams for providing and effecting communications and the storage of data. As per features of “a download routine that enables the user to download the selected subset from the Internet”, the Examiner notes that both Hill and Williams et al are directed to a network environment similar to an Internet.

As per claim 28, the combined references allow a user to register to their system for enabling the user to make purchases from at least one vendor using registration information.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

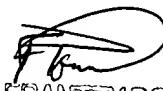
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


FRANTZY POINVIL
PRIMARY EXAMINER
All 2628

FP

May 9, 2005